THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18879 of 2005

Dated: 25.08.2005

Between:

Putta Surya Rao @ Babu, S/o. Appa Raju, S/o. Jayananda Rao, aged 54 years, Presently residing at Visakhapatnam.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam District and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18879 of 2005

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ORDER:

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Seeking a direction to declare the action of the respondents in attempting to forcibly dispossess the petitioner from the land in an extent of Ac.0.85 cents in S.No.195/2 of Gambhiram village of Anandapuram Mandal, without passing any final order on the explanation of the petitioner dated 6.8.2005 to the show cause notice of the respondent dated 23.07.2005 as arbitrary and illegal, the present writ petition has been preferred.

02. Factual position in a nutshell is as follows:

03. The petitioner is the absolute owner and possessor of an extent of Ac.0.85 cents in S.No.195/2 of Gambhiram village of Anandapuram Mandal, which was purchased under a registered sale deed dated 4.2.1967 from Sivakoti Samba Murthy and his son Satyalingachary. Since then, he is in possession and enjoyment of the said property. On 15.07.1993 for management of the said land, the petitioner executed a registered G.P.A in favour of Putta Surya Rao @ Babu, who filed the present writ petition on behalf of the petitioner. 20 days back, some people claiming to be the officials of the respondents, visited the petitioner's land and taken the measurements of the same. When he questioned the same, they represented that the land vests with the Government and it would be taken possession by them. Again, on 1.08.2005, along with some other officials, they attempted to forcibly dispossess them. While so, on 4.8.2005, the 1st respondent issued a notice in R.C.No.319/2005/A dated 23.07.2005 to the petitioner stating that the land in question was assigned to the

petitioner's vendor Sivakoti Satyalingachary under D-Form Patta and that the petitioner purchased the same and therefore, the same is in violation of the provisions of A.P. Transfer of Assigned lands Prohibition Act and directing to show cause within 15 days as to the proposed eviction. On 06.08.2005 he submitted an explanation and the same is pending with the 1st respondent.

04. The contention of the learned counsel for the petitioner is that in pursuance of the show cause notice dated 23.07.2005, the petitioner filed an explanation dated 6.8.2005, but the 1st respondent did not pass any final order and the same is pending with him.

05. Heard the learned counsel appearing on behalf of the parties.

06. Perused the entire material on record.

07. A perusal of the record goes to show that the petitioner filed an explanation dated 6.8.2005 to the show cause notice dated 23.07.2005 issued by the 1st respondent and the same is pending consideration before the 1st respondent.

08. In view of the fact that the matter is pending consideration before the 1st respondent, without expressing any opinion on the merits of the case, I deem it appropriate that issuing a direction to the 1st respondent, would meet the ends of justice.

09. Resultantly, the writ petition is disposed of at the admission stage. The Mandal Revenue Officer, Anandapuram Mandal-1st respondent is directed to consider and pass appropriate orders on the explanation dated 6.8.2005 submitted by the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the land in question.

25.08.2005

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